

REMARKS/ARGUMENTS

The Office Action mailed August 11, 2004 has been carefully reviewed. Reconsideration of this application in view of the following remarks is respectfully requested.

Requirement for Sequence Listing

The Office Action mailed August 11, 2004 stated that a sequence listing is required. Applicants submit that the subject application does not contain any sequences; therefore, there are no sequences to list and a sequence listing is not needed.

The requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures is set out in 37 CFR § 1.821 (a) as follows:

“Nucleotide and/or amino acid sequences as used in §§ 1.821 through 1.825 are interpreted to mean an unbranched sequence of four or more amino acids or an unbranched sequence of ten or more nucleotides. Branched sequences are specifically excluded from this definition. Sequences with fewer than four specifically defined nucleotides or amino acids are specifically excluded from this section. “Specifically defined” means those amino acids other than “Xaa” and those nucleotide bases other than “n” defined in accordance with the World Intellectual Property Organization (WIPO) Handbook on Industrial Property Information and Documentation, Standard ST.25: Standard for the Presentation of Nucleotide and Amino Acid Sequence Listings in Patent Applications (1998), including Tables 1 through 6 in Appendix 2, herein incorporated by reference.... (2) Amino acids: Amino acids are those L-amino acids commonly found in naturally occurring proteins and are listed in WIPO Standard ST.25 (1998), Appendix 2, Table.”

Since the subject application does not contain any sequences; there are no sequences to list and a sequence listing is not needed.

SUMMARY

The undersigned respectfully submits that, in view of the foregoing remarks, the issues raised in the Office Action dated August 11, 2004 have been fully addressed and overcome. It is respectfully requested that this application be reconsidered, that the claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eddie E. Scott", written over a horizontal line.

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Dated: September 20, 2004